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EXAMINER

MAHMOUDZADEH, NIMA

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/825,243	Applicant(s) MARTINOT ET AL.	
	Examiner NIMA MAHMOUDZADEH	Art Unit 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20-25 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20-25, and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 05/19/2009 has been entered. Claims 1-18, 20-25, and 27-29 are still pending in this application, with claims 1 and 29 being independent.

2. The amendment filed 05/19/2009 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: In claim 8, limitation "of a respective domain and local end-to-end data streams traversing the respective domain", in claim 9, limitation "which provides a link between the first data and standard deviations associated with the local measurement" and also, claim 10, limitation "related to a portion of the end-to-end data stream which is not subjected to the local measurements".

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 8-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

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which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added material which is not supported by the original disclosure is as follows: In claim 8, limitation "of a respective domain and local end-to-end data streams traversing the respective domain", in claim 9, limitation "which provides a link between the first data and standard deviations associated with the local measurement" and also, claim 10, limitation "related to a portion of the end-to-end data stream which is not subjected to the local measurements".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-18, 20-22, 25, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwama et al. (US Patent No. 6,600,735) in view of Gous et al. (US Patent Publication No. 2002/0194316).

Regarding claim1, (Currently Amended): Iwama et al. a device (Fig. 1, element 103) for managing the measurement of parameters of end-to-end type data streams (In Fig. 1, element 103 perform a bandwidth controlling function which is based on some sort of bandwidth measurement) in a communication network (Fig. 1, Network 110) composed of at least two domains coupled together (Fig. 1, Zone 1 and Zone 2), and each equipped with a measuring appliance (Fig. 1, element 102 and also, Fig. 8, element 102 and sub-element 1705 which controls the bandwidth) to deliver local measurements representing parameter values of local end-to-end data streams (Abstract discloses the communication bandwidth which is managed by using element 103, gateway device and routers, which gateway's function is like a router), which said measuring appliances implement various measuring processes (Fig. 1, element 102 and also, Fig. 8, element 102 and sub-element 1705 which controls the bandwidth), but fail to teach a device comprising:

monitoring means for ordering constitution of a specific measurement configuration in each measuring appliance as a function of at least a corresponding measuring process of a respective measuring appliance and overall measurement specifications, and

calculation means for determining first data representative of the parameter values of overall end-to-end data streams from local measurements delivered by the said configured measuring appliances. However, Gous et al. teach a device characterized in that it includes

monitoring means for ordering constitution of a specific measurement configuration in each measuring appliance as a function of at least a corresponding measuring process of a respective measuring appliance and overall measurement specifications (Fig. 1, element 30 which perform the bandwidth allocation function. To explain more, see paragraph [0041] that discloses the changeover sequence creation module 30, having constructed the changeover sequence data structure 34 as constituting a collection of routing/admission data structures 36, will calculate a bandwidth allocation matrix for each routing/admission data structure 36 that is utilized in the changeover sequence generation process), and

calculation means for determining first data representative of the parameter values of overall end-to-end data streams from local measurements delivered by the said configured measuring appliances (Fig. 1, element 32 and also paragraph [0035], discloses the changeover signaling module 32 operates to convert -calculate- the changeover sequence into a list of instructions -data representative - that are communicated to sets of nodes -End to End - of the network 12. Specifically, for each configuration specification within the changeover sequence, a respective instruction (or sets of instructions) may be sent to an appropriate node (or set of nodes) that are to be reconfigured in accordance with relevant configuration specification. The changeover

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signaling module 32 also receives acknowledgments from the nodes of the network 12 that the relevant nodes have successfully executed the received instructions. Also see Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 2, (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 1, wherein said monitoring means (Fig. 1, element 30 of Gous et al. which perform the bandwidth allocation function) is arranged to order the constitution of the specific measurement configuration in each measuring appliance as a function of the corresponding measuring process (claim 18 of Gous et al.), second data representing an arrangement of the respective associated domain and overall measurement specifications (claim 1 of Iwama et al. discloses the information provided to Bandwidth Controller regarding some elements of each zone, first and second) which describe the measurement parameters of the overall end-to-end data streams (Figs. 3-5 of Gous, disclose the end-to-end communication data).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the precision in communication between two parties.

Regarding claim 3, (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 1, wherein said monitoring means includes an interface means for defining said overall measurement specifications (On Fig. 1 of Gous et al., element between elements 30 and 32) which describe the measurement parameters of the overall end-to-end data streams (Figs. 3-5 of Gous, disclose the end-to-end communication data).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 4, (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 1, wherein said monitoring means (Fig. 1 of Gous et al., element 30) includes:

configuration means for determining a configuration data for each measuring appliance (Figs. 1 and 5 of Gous et al., element 56), including determining local specifications of measurement parameters, and defining the specific measurement configuration of each measuring appliance based on the determined local measurement specifications (Figs. 1 and 5 of Gous et al., element 56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 5, (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 4, wherein said configuration means is arranged to further determine the configuration data by determining data representing a correspondence between said determined local measurement specifications and said overall measurement specifications (Figs. 1 and 5 of Gous et al., element 56) which describe the measurement parameters of the overall end-to-end data streams (Figs. 3-5 of Gous, disclose the end-to-end communication data).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 6, (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 5, further including:

a first memory which stores data representing said overall measurement specifications (Fig. 1 of Gous et al., element 26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 7, (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 6, further including:

a second memory which stores data representing at least one of said local measurement specifications and said configuration data (Fig. 1 of Gous et al., element 28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 8, (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 7, wherein at least one domain includes a measuring appliance which implements the measuring process based on a measurement model of a respective domain and local end-to-end data streams traversing the respective domain (Fig. 1 of Iwama et al. discloses the nodes in each zone within internet 110), the device further including:

a third memory which stores data representing said measurement model (Fig. 1 of Gous et al., element 56 is a table which is saved in a memory).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 9, (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 8, Gous et al. further discloses the device wherein said calculation means includes:

a main calculation module which determines said first data from the local measurements delivered by said configured measuring appliances, said local measurement specifications and at least one value aggregation model (Fig. 1 element 32 and paragraph [0035], and to explain more, on Fig. 4, the bandwidth allocation matrix includes the locally bandwidth allocations for individual items along with the aggregated figure) which provides a link between the first data and standard deviations associated with local measurements (Fig. 1 of Iwama et al.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 10, (Currently Amended): Iwama et al. in view of Gous et al. teach the device as in claim 9, Gous et al. further discloses the device wherein said main calculation module is arranged to determine said first data from additional data (Fig. 1 element 32 and paragraph [0035], and to explain more, on Fig. 4, the bandwidth allocation matrix includes the locally bandwidth allocations for individual items along with the aggregated figure) related to a portion of the end-to-end data stream which is not subjected to the local measurements (Fig. 1 of Iwama et al. overall connection between two end users).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements

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disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 11, (Currently Amended): Iwama et al. in view of Gous et al. teach the device as in claim 10, Gous et al. further discloses the device wherein said additional data define an additional value aggregation model for additional values (Fig. 1 element 32 and paragraph [0035], and to explain more, on Fig. 4, the bandwidth allocation matrix includes the locally bandwidth allocations for individual items along with the aggregated figure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 12, (Currently Amended): Iwama et al. in view of Gous et al. teach the device as in claim 11, Gous et al. further discloses the device wherein said second memory stores the data representing at least one of the said value aggregation model and of the said additional value aggregation model (Fig. 1 of Gous et al., element 28. also, Fig. 4, the bandwidth allocation matrix includes the locally bandwidth allocations for individual items along with the aggregated figure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 13, (currently amended): Iwama et al. in view of Gous et al. teach the device as in claim 9, Gous et al. further discloses the device wherein said main calculation module is arranged to determine said first data from the local measurements delivered by the said configured measuring appliances, the local measurement specifications, at least one value aggregation model, and said measurement model (Fig. 1 element 32 and paragraph [0035], and to explain more, on Fig. 4, the bandwidth allocation matrix includes the locally bandwidth allocations for individual items along with the aggregated figure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 14, (previously presented) Iwama et al. in view of Gous et al. teach the device as in claim 10, Gous et al. further discloses the device wherein said additional data define an additional measurement model (Fig. 4, the bandwidth allocation matrix includes the locally bandwidth allocations for individual items along with the aggregated figure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 15, (Currently Amended) Iwama et al. in view of Gous et al. teach the device as in claim 14, Gous et al. further discloses the device wherein said third memory stores the data representing at least one of said measurement model and the additional measurement model (Fig. 1 of Gous et al., element 56 is a table which is saved in a memory).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 16, Iwama et al. in view of Gous et al. teach the device as in claim 4, Gous et al. further discloses the device wherein said calculation means includes an auxiliary calculation module arranged to determine second data representing the respective contributions of the coupled domains to the first data, from the local measurements delivered by said configured measuring appliances and said local measurement specifications (Fig. 2 of Gous et al. and also paragraphs [0040] and [0041] of Gous et al.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 17, Iwama et al. in view of Gous et al. teach the device as in claim 16, Gous et al. further discloses the device wherein said auxiliary calculation

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module determines the second data representing at least one of relative contributions or absolute contributions (Fig. 2 of Gous et al. and also paragraphs [0040] and [0041] of Gous et al.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 18, (currently amended) Iwama et al. in view of Gous et al. teach the device as in claim 16, Gous et al. further discloses the device further including:

a memory which stores at least one of said first or second data (Fig. 1 of Gous et al. element 24 is the storage unit).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Claim 19, (canceled).

Regarding claim 20, Iwama et al. in view of Gous et al. teach the device as in claim 16, Gous et al. further discloses the device further including:

an output interface coupled to said calculation means to deliver at least one of said first or second data at an output when so ordered (Fig. 1 of Gous et al. the connection between element 30 and element 32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 21, (currently amended) Iwama et al. in view of Gous et al. teach the device or arrangement as in claim 18, Gous et al. further discloses the device further including:

an output interface to extract at least one of the said first or second data from the memory at an output when ordered to do so (Paragraph [0031] of Gous discloses the connection between the storage unit and the rest of the elements).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 22, Iwama et al. in view of Gous et al. teach the device as in claim 20, Gous et al. further discloses the device further including:

a management information database to receive at least one of the first or the second data from said output interface (Fig. 1 of Gous et al. element 24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Regarding claim 25, Iwama et al. in view of Gous et al. teach a communication network which includes at least two domains coupled together and each including a measuring appliance to deliver corresponding local measurements representing the parameters values of the local end-to-end data streams (Fig. 1 of Iwama et al.), Gous et al. further discloses the device wherein said measuring appliances implement different measuring processes, and further including at least one managing management device of claim 1 (Fig. 1 of Iwama et al. element 103 is the central managing device. Also each zone has its own measuring device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

Claim 26, (canceled).

Regarding claim 28, Iwama et al. in view of Gous et al. teach the device as in claim 1, wherein the measuring appliances (Fig. 1, element 102 which can be a router as well) comprise:

a first measuring appliance associated with a first network domain and executing a first measuring process to collect the local measurements of a first local end-to-end data stream which traverses the first network domain (Fig. 8, element 1705, also for more explanation, column 13, lines 1-14, Iwama et al., discloses the bandwidth control unit (1705) which enforce the bandwidth reservation, cancellation, change, the monitoring, etc. The bandwidth reservation procedure between the gateway device

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(102) and the counterpart device in the other zone is implemented on the basis of the RSVP procedure. Also see Fig. 1 Gateways located in different zones);

a second measuring appliance associated with a second network domain, coupled with the first network domain, which second measuring appliance executes a second measuring process to collect the local measurements of a second local end-to-end data stream which traverses the second network domain (Fig. 8, element 1709, also for more explanation, column 12, lines 24-50, Iwama et al. disclose the communication control switch (1709) implements buffering and distribution of transmission/reception signals between the gateway device (102) and the Internet (1508) or the PSTN (1712), and serves to control the lines and the bandwidths which can be interpreted as measuring and collecting data from gateway and internet or PSTN which is considered local end-to-end); and

a third measuring appliance associated with a third network domain, coupled with the second network domain (Fig. 8, element 1710), which third measuring appliance executes a third measuring process to collect the local measurements of a third local end-to-end data stream which traverses the third network domain (Fig. 8, element 1710, column 12, lines 24-50, Iwama et al. disclose the voice processing device (1710) implements a function of converting speech packets transmitted/received in the Internet (1508) when a voice signal is transmitted/received with the PSTN (1712), whereby speech is transmitted/received between the Internet (1508) and the PSTN (1712), which can be interpreted as local end-to-end), wherein each first, second and third measuring

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process differs from other measuring processes being executed and includes one of (Fig. 8, element 1710):

a passive measuring process which collects information of each type of a data stream and of each packet of the data stream (Fig. 8, element 1710, Voice Processing Device is considered a passive device that implements a function of converting speech packets transmitted/received in the Internet (1508) when a voice signal is transmitted/received with the PSTN (1712), whereby speech is transmitted/received between the Internet (1508) and the PSTN (1712)),

an active measuring process which collects information on a periodic basis, or
a measuring process based on a measurement model generated in advance for a corresponding network domain.

Regarding claim 29, Iwama et al. teach a multi-domain management device (Fig. 1), which domains are coupled to one another and facilitate a passage for an overall end-to-end data streams, as a function of at least a corresponding measuring process of the measuring appliance and overall measurement specifications of the network (Fig. 1, from element 105-a to 105-b) but fail to teach a multi-domain management device comprising:

a monitoring module to generate and initiate a measurement configuration for measuring appliances executing various measuring processes and being associated with corresponding domains of a network;

configuration modules, each coupled to the measuring appliances executing an alike measuring process, to configure each measuring appliance based on the

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generated measurement configuration so that the configured measuring appliances deliver local measurements representing parameter values of corresponding local end-to-end data streams, which each traverses the associated network domain, based on the corresponding measuring processes; and

calculation means, coupled to the configuration modules, for determining data representative of parameters values of the overall end-to-end data streams based the delivered local measurements of the local end-to-end data streams. However, Gous et al. teach a multi-domain management device comprising:

a monitoring module to generate and initiate a measurement configuration for measuring appliances executing various measuring processes and being associated with corresponding domains of a network (Fig. 1, element 30 which perform the bandwidth allocation function;

configuration modules (Fig. 1, element 30 and elements inside it), each coupled to the measuring appliances executing an alike measuring process (Fig. 1, element 30 is coupled to the all the nodes), to configure each measuring appliance based on the generated measurement configuration so that the configured measuring appliances deliver local measurements representing parameter values of corresponding local end-to-end data streams (Fig. 1, based on bandwidth routing is done), which each traverses the associated network domain, based on the corresponding measuring processes (Fig. 1); and

calculation means, coupled to the configuration modules, for determining data representative of parameters values of the overall end-to-end data streams based the

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delivered local measurements of the local end-to-end data streams (Fig. 1, element 32 and also paragraph [0035], instruct the node to send data and receive confirmation).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. to include elements disclosed by Gous et al. in order to increase the quality of communication between two parties.

7. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwama et al. (US Patent No. 6,600,735) in view of Gous et al. (US Patent Publication No. 2002/0194316) further in view of Maher et al. (US Patent No. 5,381,403).

Regarding claim 23, Iwama et al. in view of Gous et al. teach the device as in claim 1, but fail to explicitly teach the device further including:

a configuration interface of which includes:

interface modules, each dedicated to a corresponding specific measuring process, coupled to said monitoring means said measuring appliances, which execute the corresponding specific measuring process, and said calculation means, and arranged to configure the corresponding measuring appliance, collect the local measurements from each corresponding measuring appliance, and in order to supply the collected local measurements to said calculation means. However, Maher et al. teach the device further including:

a configuration interface (Fig. 1, element 102) of which includes:

interface modules (Fig. 1, elements 107, 108, and 109), each dedicated to a corresponding specific measuring process modules (Fig. 1, elements 107, 108, and 109 and coupled to different sites 103, 104, and 105), coupled to said monitoring means said measuring appliances (Fig. 1, elements 107, 108, and 109 and coupled to different sites 103, 104, and 105), which execute the corresponding specific measuring process (Column 3, line 58- column 4, line 2), and said calculation means, and arranged to configure the corresponding measuring appliance, collect the local measurements from each corresponding measuring appliance, and in order to supply the collected local measurements to said calculation means (Fig. 1, and also, column 3, line 58- column 4, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Iwama et al. in view of Gous et al. to include the interface modules disclosed by Maher et al. in order to decrease the delay and improve the precision of the communication with less error.

Regarding claim 24, Iwama et al. in view of Gous et al. further in view of Maher et al. teach the device as in claim 23, wherein at least one of said interface modules includes:

an external measuring appliance for one of the coupled domains a domain of said communication network (Fig. 1 of Gous et al. also Fig. 1 of Maher et al. central controller).

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8. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwama et al. in view of Gous et al. further in view of Muirhead et al. (US Patent Publication No. 2003/0123446).

Regarding claim 27, Iwama et al. in view of Gous et al. teach the network as in claim 25, but fail to explicitly teach the network comprised of one of:

a transmission network including at least one of a WDM, a SONET or an SDH network type in particular,

a data network including at least one of an IP-Internet or an ATM, network, and

a speech network including at least one of a conventional, a mobile or a NGN network. However, Muirhead et al. teach the network comprised of one of:

a transmission network including at least one of a WDM, a SONET or an SDH network type in particular (Fig. 2),

a data network including at least one of an IP-Internet or an ATM, network (Fig. 2), and

a speech network including at least one of a conventional, a mobile or a NGN network (Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the network of Iwama et al. in view of Gous et al. to include different networks such as SDH, ATM and wireless network disclosed by Muirhead et al. in order to be able to serve different types of networks.

Response to Arguments

9. Applicant's arguments filed 05/19/2009 have been fully considered but they are not persuasive. On pages 10 and 11 of the Applicant's response, the Applicant argued that the reference of the record fail to discloses "the constitution of a specific measurement configuration in each measuring appliance as a function of at least a corresponding measuring process of a respective measuring appliance and overall measurement specifications," of claim 1. The Examiner respectfully disagrees. As shown in paragraphs [0036] – [0042] and Figs. 1-5 of Gous, node, route and structure data for the existing and desired configuration is being presented. Fig. 2 further discloses each node's source address and connection ID along with the end-to-end route they are using in respect to the individual data provided by each node.

On page 11 of the Applicant's response, the Applicant argued that the reference of the record fail to discloses "delivering the local measurements by the measuring appliances to the calculation means" of claim 1. The Examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., page 11, line 19) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

On page 11 of the Applicant's response, the Applicant argued that the reference of the record fail to discloses "determining, by the calculation means, the data representative of the parameter values of overall end-to-end data streams, from the

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local measurements" of claim 1. The Examiner respectfully disagrees. On paragraph [0035] of Gous, discloses the instructions being sent to an appropriate node or set of nodes that are to be reconfigured in accordance to the specific configuration. The ACK signal is being sent from the nodes to confirm the successful execution of the instructions.

On page 13 of the Applicant's response, the Applicant argued that the reference of the record fail to discloses " the nodes deliver the local measurements to the changeover signaling module 32 ("calculation module") " of claim 13. The Examiner respectfully disagrees. In Fig. 7, the acknowledgement is being presented that includes information regarding source node and success status.

On page 14 of the Applicant's response, the Applicant argued that the reference of the record fail to discloses "each element 1705, 1709, and 1710 executes its own measuring process to collect the local measurements of a local data stream traversing an associated domain" of claim 28. The Examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "to collect the local measurements of a local data stream traversing an associated domain") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

On page 14 of the Applicant's response, the Applicant argued that the reference of the record fail to discloses "a passive measuring process which collects information

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of each type of a data stream and of each packet of the data stream, an active measuring process which collects information on a periodic basis, or a measuring process based on a measurement model generated in advance for a corresponding network domain" of claim 28. The Examiner respectfully disagrees. In Fig. 8, element 1710, Voice Processing Device is considered a passive device that implements a function of converting speech packets transmitted/received in the Internet (1508) when a voice signal is transmitted/received with the PSTN (1712), whereby speech is transmitted/received between the Internet (1508) and the PSTN (1712).

In regards to the rest of the claims, Applicant argued the references fail to teach the claimed invention based on the reasons as stated in the arguments of claims 1, 13, and 28, the Examiner respectfully disagrees with the same reasons as discusses above.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIMA MAHMOUDZADEH whose telephone number is (571)270-3527. The examiner can normally be reached on Monday - Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag G. Shah can be reached on (571) 272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NIMA MAHMOUDZADEH/

Examiner, Art Unit 2419

/Chirag G Shah/

Supervisory Patent Examiner, Art Unit 2419